

1 WARREN J. RHEAUME (admitted *pro hac vice*)  
HELLER EHRMAN LLP  
2 701 Fifth Avenue, Suite 6100  
Seattle, WA 98104-7098  
3 Telephone: (206) 447-0900  
Facsimile: (206) 447-0849  
4 Email: Warren.Rheaume@hellerehrman.com

5 LESLIE N. HARVEY, State Bar No. 241203  
HELLER EHRMAN LLP  
6 333 Bush Street  
San Francisco, California 94104-2878  
7 Telephone: (415) 772-6000  
Facsimile: (415) 772-6268  
8 Email: Leslie.Harvey@hellerehrman.com

9 Attorneys for Defendant  
MICROSOFT CORPORATION

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 LAURIE MARIE LASKEY,  
14 Plaintiff,  
15 v.  
16 MICROSOFT CORPORATION, and DOES 1  
through 1000, inclusive,  
17 Defendants.  
18

Case No. CV-08-1465-WHA (BZ)

**MICROSOFT'S MOTION FOR  
ADMINISTRATIVE RELIEF  
CONTINUING SETTLEMENT  
CONFERENCE BEFORE  
MAGISTRATE JUDGE  
ZIMMERMAN**

**NOTICE OF MOTION AND MOTION**

TO PLAINTIFF LAURIE MARIE LASKEY: NOTICE IS HEREBY GIVEN that defendant Microsoft Corporation ("Microsoft") will, and hereby does, move for an order continuing the Settlement Conference before Magistrate Judge Zimmerman, currently scheduled for August 21, 2008 to October 23, 2008. Microsoft currently has a motion to dismiss this action on file that should be heard prior to conducting the settlement conference, in the interests of conserving judicial resources.

**MEMORANDUM OF POINTS AND AUTHORITIES**

Last week, this Court issued a notice assigning this action to Magistrate Judge Zimmerman for the purposes of conducting a settlement conference. This conference is currently scheduled for August 21, 2008.

Today, Microsoft filed a motion to dismiss this action. The earliest that this motion could be set for hearing is on September 4, 2008. The basis for this motion is that Plaintiff has not complied with Judge Alsup's June 10, 2008 order granting Microsoft's Motion for a More Definite Statement, as she has not filed an amended complaint. Consequently, there is currently no operative complaint in this action and Microsoft has not yet answered.

Because of the current schedule, the motion to dismiss cannot be heard prior to the currently-scheduled settlement conference. The resolution of the motion to dismiss, however, could radically affect Microsoft's position in any settlement negotiations. Consequently, Microsoft strongly believes that any settlement conference should take place only after the motion to dismiss is resolved.

Counsel for Microsoft participated in two separate phone calls with the plaintiff, who is representing herself *pro se*, requesting that she agree to move this conference. In these calls, counsel explained the aforementioned procedural predicament to her. Plaintiff has indicated, however, that she does not want to move the settlement conference and is

1 interested in getting this case over with quickly, and Microsoft indicated its intent to file  
2 this motion. *See* Declaration of Leslie Harvey ¶ 3.

3 Microsoft strongly believes that it will not be possible to “get this case over with,” as  
4 the Plaintiff hopes, if the conference were to go forward on August 21, 2008 before  
5 Microsoft’s motion to dismiss the action is heard. In the interest of saving both judicial  
6 resources and the resources of the parties, Microsoft respectfully requests that the settlement  
7 conference be continued to October 23, 2008. It also bears mentioning that none of the  
8 parties or their representatives who are required to attend this conference are based locally.  
9 Both Microsoft’s lead trial counsel, Warren Rheaume, and Microsoft’s client representative,  
10 Brien Jacobsen, reside in Washington state. The plaintiff resides in North Carolina. All  
11 parties will have to undertake considerable travel expenses for this conference.  
12 Consequently, it is even more important that it be scheduled at a time that warrants  
13 incurring such expenses.

14 This modest extension will allow Judge Alsup to hear and rule on the motion to  
15 dismiss. If the motion to dismiss is granted, then the need for a settlement conference will  
16 be obviated. If it is not granted, the parties will have time to sort out the initial pleadings  
17 and come to Magistrate Judge Zimmerman for a settlement conference that will be  
18 measurably more productive.

19 Accordingly, Microsoft hereby requests that the Court continue the settlement  
20 conference before Judge Zimmerman to October 23, 2008 or to some other date near that  
21 time that is convenient for the Court.

22  
23  
24 Dated: July 17, 2008

Respectfully submitted by,  
HELLER EHRMAN LLP

25  
26 By: /s/ Leslie N. Harvey  
27 LESLIE N. HARVEY  
28 Attorneys for Defendant  
MICROSOFT CORPORATION

Heller  
Ehrman LLP